

**Listing of the Claims:**

Claim 1. (original) A process for producing transfer factor, said process comprising the steps of immunizing a female bird with a sufficient quantity of at least one selected antigen so that said bird develops immunity to said at least one antigen; after said bird develops immunity to said at least one antigen, collecting eggs laid by said bird; and treating said eggs to recover transfer factor therefrom.

Claim 2. (original) The process as recited in claim 1, wherein said treating step further comprises the steps of separating the egg yolks from said eggs; mixing said egg yolks with water to produce a suspension; removing cells and cell debris from said suspension to produce a fluid containing at least some of said transfer factor; and recovering said fluid.

Claim 3. (original) The process as recited in claim 1, wherein said treating step further comprises the steps of: separating the egg whites from said eggs; mixing said egg whites with water to produce a suspension; removing cells and cell debris from said suspension to produce a fluid containing at least some of said transfer factor; and recovering said fluid.

Claim 4. (original) The process as recited in claim 1, wherein said treating step further comprises the steps of: mixing the egg whites and egg yolks with water to produce a suspension; removing cells and cell debris from said suspension to produce a fluid containing at least some of said transfer factor; and recovering said fluid.

Claim 5. (original) The process as recited in claim 1, wherein said transfer factor is contained in a fluid recovered from said eggs, further comprising the step of evaporating said fluid.

Claim 6. (original) The process as recited in claim 1, further comprising the step of adding an effective amount of natural egg yolk to said composition.

Claim 7. (original) The process as recited in claim 1, further comprising the step of adding an effective amount of sodium chlorate to said composition.

Claim 8. (original) The process as recited in claim 1, further comprising the initial step of administering an effective dose of sodium chlorate to said birds.

Claim 9. (original) The process as recited in claim 1, wherein said bird is of the family Phasianidae.

Claims 10 – 20. (cancelled)

Claim 21. (new claim) A method for obtaining transfer factor, comprising:  
exposing a non-mammalian source animal to at least one antigenic agent that will cause said non-mammalian source animal to elicit a T-cell mediated immune response;

permitting said non-mammalian source animal to elicit a T-cell mediated immune response to said at least one antigenic agent;

collecting at least one egg from said non-mammalian source animal following said T-cell mediated immune response, said at least one egg including transfer factor that transfer cellular immunity to a mammal in vivo and that includes transfer factor molecules having molecular weights of about 4,000 Da to about 5,000 Da.

Claim 22. (new claim) A method for obtaining transfer factor specific for a systemic pathogen, comprising:

exposing a non-mammalian source animal to at least one antigenic agent for causing said non-mammalian source animal to illicit a T-cell mediated immune response to the systemic pathogen;

permitting said non-mammalian source animal to elicit a T-cell mediated immune response to said at least one antigenic agent, said T-cell mediated immune response resulting in generation of transfer factor specific for the systemic pathogen; and

following said T-cell mediated immune response, collecting transfer factor specific for said systemic pathogen, which transfers cellular immunity to a mammal in vivo and includes transfer factor molecules having molecular weights of about 4,000 Da to about 5,000 Da, from at least one egg of said non-mammalian source animal.

### **REMARKS**

In the September 30<sup>th</sup> Office Action, the Examiner required restriction to one of three inventions as described below:

- I. Claims 1 - 9 drawn to a method of making a transfer factor, classified in class 530, subclass 412;
- II. Claims 10 - 18, drawn to a transfer factor, classified in class 530, subclass 853; and
- III. Claims 19 and 20, drawn to a method of treatment, classified in class 514, subclass 2.

Responsive to the Examiner's Restriction Requirement, Applicants hereby elect, with traverse, to continue prosecution on the invention of Group I, claims 1 - 9, drawn to a method of making a transfer factor.

Applicants respectfully traverse the rejection because it is believed that the additional searching required by considering all of the claims would not be unduly burdensome to the Patent Office. Method claims 1 - 9 are classified in the same class as the product claims 10 - 18, thus, the additional effort in effecting a search for both inventions does not create a significant burden on the patent office. Therefore, Applicants respectfully request that claims 1 - 20 be examined simultaneously.

Claims 10 - 20 have been cancelled while reserving all rights to continue prosecution on those claims in the present application or in a later-filed divisional or continuing application. If the Examiner reconsiders the restriction requirement and decides that all of the claims may be prosecuted together, then it is respectfully requested that claims 10 - 20 remain in the case.

Finally, new claims 21 and 22 are drawn to the same invention as elected Group I, and as such, Applicants respectfully request that the Examiner consider new claims 21 and 22 to be included within the invention of elected Group I. Such claims are being copied from U.S. Patent 6,468,534 as supported by the disclosure of the present application so as to provoke an interference with the aforesaid Patent. Therefore, Applicants respectfully request that elected claims 1 – 9 be examined simultaneously with new claims 21 and 22.

In summary, it is submitted that Applicants' claims presently in the application are sufficiently definite under 35 U.S.C. § 112 and are patentably distinct over the prior art of record. Thus, it is submitted that the present application is in a condition for allowance and favorable action therefor is respectfully requested. The Examiner is

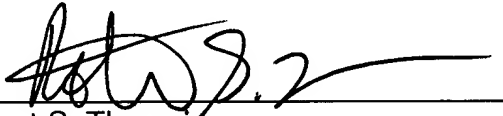
invited to telephone the undersigned should only minor issues remain after consideration of the present Response to permit early resolution of same.

Please charge any additional fees required by this Response to Deposit Account No. 50-2548.

Respectfully requested,

NELSON MULLINS RILEY & SCARBOROUGH

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